

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. Criminal Misc. No.M- 31940 of 2017(O&M)
Date of Decision: March 20 , 2018.

Surinder Khattar @ Rahul PETITIONER(s)

Versus

State of Punjab RESPONDENT (s)

2. Criminal Misc. No. M- 31396 of 2017(O&M).

Parveen Kumar and another PETITIONER(s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Puja Chopra, Advocate
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. K.S.Brar, Advocate for
Mr. SPS Sidhu, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This order shall dispose of CRM No.M-31940 of 2017 (Surinder

Khattar @ Rahul v. State of Punjab) and CRM No.M-31396 of 2017 (Parveen Kumar and another v. State of Punjab). Facts for the sake of convenience are extracted from CRM No.M-31940 of 2017.

CRM No.M-31940 of 2017 has been filed by petitioner – Surinder Kumar @ Rahul, who is the husband of the complainant and CRM No.M-31396 of 2017 has been filed by petitioners – Parveen Kumar and Anita, the parents-in-law of the complainant. All the petitioners seek the concession of anticipatory bail in FIR No.8 dated 08.06.2017 under Sections 406/498A IPC, registered at Police Station Women Cell, Ferozepur City, District Ferozepur.

Learned counsel for the petitioners and the complainant submit that the matter has been amicably resolved between the parties during the pendency of these petitions. Petitioner – Surinder Kumar @ Rahul and his wife, the complainant decided to part ways. It is agreed that a petition under Section 13B of the Hindu Marriage Act, 1955 shall be filed by them. Two FDRs of ₹1,00,000/- each in favour of the minor child have been handed over to the complainant before the Mediator on 13.09.2017. The petitioners, it is submitted, undertake to abide by the terms and conditions of the settlement in letter and spirit. The complainant has agreed to accept the said settlement. Therefore, it is prayed that these petitions be allowed.

In this view of the matter, learned counsel for the complainant states that there is no objection in case both these petitions are allowed subject to the petitioners strictly adhering to the terms and conditions of the settlement.

Learned counsel for the State, on instructions from ASI Jagtar Singh verifies that the petitioners not involved in any other criminal case. There are no

allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, both the petitions are allowed. In the event of their arrest, the petitioners shall be released on bail to the satisfaction of the Arresting/Investigating Officer. Petitioners shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

However, liberty is afforded to the complainant to move an appropriate application in this matter, in case the terms and conditions of settlement between the parties are not adhered to by the petitioners or the act on the part of the petitioners is found to be a mere ruse.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petitions.

March 20 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No